

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Darrell L. Goss,

Plaintiff,

vs.

Bryan P. Stirling, Charles Williams,
Thomas Robertson, A. Gladwell,
Stephanie Marshall, Officer Stanley
Terry, Lt. Clarissa Jones, Deborah
Richter, Jennifer Franklin, Sgt. Warren
Peck, Verdeia Hall, John Doe 1, Officer
John Doe 2, Juanita Moss, Willie Smith,
Chaplain Barber, and Canteen Manager
Yeldell,

Defendants.

Civil Action No.: 6:18-3245-BHH

ORDER AND OPINION

Plaintiff Darrell L. Goss ("Plaintiff") is an inmate at Leiber Correctional Institution ("Lieber") in Ridgeville, South Carolina. On August 5, 2019, Plaintiff filed a motion for injunctive relief. (ECF No. 142.) Defendants oppose Plaintiff's request for injunctive relief. (ECF Nos. 151 & 152.)

In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Kevin F. McDonald for pretrial handling. On August 22, 2019, Magistrate Judge McDonald issued a Report and Recommendation recommending that the Court deny Plaintiff's motion for injunctive relief, which requests a court order requiring Defendants to photocopy his handwritten legal papers. (ECF No. 154.) The Magistrate Judge concluded that Plaintiff is not entitled to injunctive relief as he cannot demonstrate that he will suffer irreparable injury without it and because South Carolina Department of Corrections ("SCDC") personnel are not violating the SCDC copy policy in refusing to copy Plaintiff's handwritten documents. (*See id.* at 3.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. On August 22, 2019, Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 154 at 4.) However, he has not done so. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference. Plaintiff’s motion for injunctive relief (ECF No. 142) is DENIED.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

October 8, 2019
Charleston, South Carolina